

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BLACK,

Plaintiff,

v.

DENNIS DE ROSE,

Defendant.

Case No. 1:24-cv-00550-EPG (PC)

ORDER DIRECTING DEFENDANT TO
SERVE MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFF AND TO
FILE CERTIFICATE OF SERVICE WITH
THE COURT

(ECF No. 12)

On May 9, 2024, Plaintiff Michael Black, proceeding *pro se*, filed the complaint commencing this copyright action. (ECF No. 1). Plaintiff claims that Defendant Dennis De Rose infringed upon Plaintiff's copyright by offering for sale a new copy of Plaintiff's book and additionally brings claims for fraudulent misrepresentation and mail fraud. (*Id.* at 2-3). On September 30, 2024, Defendant filed a motion for summary judgment. (ECF No. 12).

Defendant's motion did not include a certificate of service upon Plaintiff. As both parties in this case are proceeding *pro se*, neither party has access to the Court's electronic filing system. Federal Rule of Civil Procedure 5(a)(1) requires pleadings and motions filed after the original complaint to be served upon all parties, and Rule 5(d)(1)(B)(i) requires a certificate of service to be filed. Additionally, pursuant to the Court's Informational Order issued on May 10, 2024,

After any defendants have appeared in an action by filing a pleading responsive to the complaint (i.e., an answer or motion to dismiss), all documents filed with the Court must include a certificate of service stating that a copy of the document was served on the opposing party. *See* Local Rule 135; Fed. R. Civ. P.

Accordingly, based on the foregoing, IT IS ORDERED that:

- IT IS SO ORDERED.

/s/ Eric P. Grogg
UNITED STATES MAGISTRATE JUDGE